

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARIA DELUCA, et al.,

Plaintiffs,

-against-

CITY OF NEW YORK, et al.,

Defendants.

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KATHARINE H. PARKER, United States Magistrate Judge:

Plaintiffs have moved for reconsideration and/or clarification of this Court's March 30, 2022 Order (the "Order") (ECF No. 30) which ordered Plaintiffs' counsel to provide Defendants proposed deposition questions and topics pertaining to the alleged *Monell* claim that is specific and unique to the Plaintiffs in this action.

The Court provides the following clarifications. This Court directs the parties to coordinate discovery to the maximum extent possible with that in the case captioned *In re NY City Policing During Summer 2020 Demonstrations*, 20-cv-8924 (CM) (GWG).

Insofar as Plaintiffs have explained that the topics/questions they would pose in depositions in connection with their *Monell* claim are the same as those that would be posed in the case before Judges McMahon and Gorenstein, they have satisfied this Court's inquiry and do not need to provide any more details or specific deposition questions. Rather, they shall be permitted to utilize discovery developed in *In re NY City Policing During Summer 2020 Demonstrations* to support their *Monell* claims in this action.

To the extent Plaintiffs equivocate that it is possible there might be "limited follow-up questions" to *Monell* witnesses in *In re NY City Policing During Summer 2020 Demonstrations* to

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MEMORANDUM AND ORDER

learn if the witness has personal knowledge of or involvement in the arrests of Plaintiffs, such questions are not relevant to a *Monell* claim. Rather, such questions are specific to the facts of the Plaintiffs' arrests and their claims against individuals.

Plaintiffs reserve the right to depose Defendants Washington, Deck, and Zabala in this action because they are not named as Defendants in *In re NY City Policing During Summer 2020 Demonstrations*. The City may seek a protective order as to any noticed depositions. In other words, whether depositions of these Defendants are appropriate in this case will be determined at a later date, as appropriate, taking into account discovery developed in *In re NY City Policing During Summer 2020* and in this case in accordance with Rules 1 and 26 of the Federal Rules of Civil Procedure.

The parties are directed to confer and submit a proposed confidentiality order before the next case management conference scheduled for June 30, 2022. This resolves the motion at ECF No. 31.

SO ORDERED.

DATED: New York, New York
 May 19, 2022

Katharine H. Parker

KATHARINE H. PARKER
United States Magistrate Judge